

### MEDICAL DEFENSE AND INSURANCE COMPANIES.

In spite of numerous items in the JOURNAL explaining, as was thought, carefully and clearly the attitude of the State Society in the case of a member who holds indemnity insurance and is sued, the situation seems to be vague in some minds, as will appear from a communication from Orange County, which see elsewhere. In the first place, the State Society's legal department is on the friendliest terms with all the insurance companies and we work together when circumstances warrant it. No member need take out insurance unless he fears that some time or other a judgment by a jury may be given against him, or he may be grossly careless and create a situation which will require him to compromise by a money payment. The State Society will fight all suits against members and pay all court costs, if they have no insurance; if they have insurance, the member may choose whether the State Society shall protect him or whether the insurance company shall do it, and if he elects to have the insurance company appear for him, and if we think that their attorney has not enough experience in this work to do it right, our own attorneys will assist in the case. Nine times out of ten—or more—it is not at all necessary for more than one attorney to spend time on a case; in the early stages, it is never necessary. If the holder of indemnity insurance does not notify the company immediately he is threatened or sued, he violates a clause in his policy, thereby cancelling the policy, and the money he has paid for premiums is thrown away. A number of members who have insurance and have been sued, seem to have had the idea that many attorneys would be more protection to them than one or two; in one instance a member wanted five! This is not the case; it is not only unnecessary, but it has a bad effect on a jury to see so many lawyers on the side of the defense. In the matter of costs, it is but right that the company should do what it has undertaken and been paid to do—and so we let the company pay the costs. Is there anything peculiar about that? If we find that the attorney for the company is a good and competent attorney and is handling the case properly, we let him go ahead with it; is there anything peculiar or out of the way about that? If the company makes any bluff about not being liable for the defense, we tell them we will do it; is there anything peculiar about that? Is it common sense to have two or three people doing what one could do at least as well?

### ORANGE COUNTY AND MEDICAL DEFENSE.

It seems strange that, of all sections in the State, a county in the south should take the attitude displayed in the following circular letter emanating from Orange County; the south, where most of our suits originate—the section that has kept the State Society poor for the last three years! The Orange County letter and the reply of the Secretary are published without comment except to say that 1915 closed with the largest membership the Society has ever known—2557.

### ORANGE COUNTY MEDICAL ASSOCIATION.

Santa Ana, Cal., Feb. 15, 1916.

The following resolutions were adopted by the Orange County Medical Association at its February 15th meeting.

A few words of explanation may be necessary.

Our surgeons have found that the State protection is unsatisfactory and inadequate. First: The State does not pay court expenses and the court expenses may be heavy even if the defendant wins the suit. Second: If the judgment goes against the defendant the State does not liquidate the judgment.

These conditions force the surgeons to carry indemnity insurance. They feel that it is an unjust burden to compel them to carry the State insurance that can be of no use to them. Some of our internists feel that they do not need the protection at all.

It seems to us that only a limited few are benefited by the present defense system, and that the payment of that part of the dues devoted to the State defense fund should be made optional with the members, or if enforced that the State should afford us protection equal to that given by the protective associations.

Whereas, Membership in the State Medical Society is compulsory to those who desire membership in the American Medical Association and its component societies;

Whereas, The State society assesses each of its members four dollars per annum for a defense fund;

Whereas, The State society does not afford the protection equal to that given by the various medical protective associations, thereby driving many of its members to seek the protection of said associations;

Whereas, The State society has ruled not to associate itself with the defense companies, and that such a ruling appears unjust and will undoubtedly lessen the membership of the State society; therefore, be it

Resolved, That this association respectfully petition the House of Delegates either to make the four dollar annual fee, for the purpose of protection, optional with its members; to abolish the protective feature entirely, or raise the standard of protection given by the State so-